

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

WMS, LLC,	§	NO. 5:17-CV-78-DAE
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
ROBERT ROTEN,	§	
	§	
Defendant.	§	
_____	§	

ORDER DISMISSING CASE

The matter before the Court is the status of this case. On March 23, 2017, the Court denied Plaintiff WMS, LLC's ("WMS") motion to remand, determining that there was no reasonable basis to believe that Plaintiff could recover from Defendant Robert Roten because Plaintiff had filed the action outside of the applicable statute of limitations for its negligence claims against Roten. (Dkt. # 11 at 12.) The Court, therefore, has no subject matter jurisdiction over Roten, and the claims against him are **DISMISSED WITHOUT PREJUDICE**. See Int'l Energy Ventures Mgmt., L.L.C. v. United Energy Gr., 818 F.3d 193, 209–10 (5th Cir. 2016). Accordingly, because there are no remaining claims

against any defendant in this case,¹ the Court **INSTRUCTS** the Clerk to **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED: San Antonio, Texas, September 18, 2017.

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra
Senior United States District Judge

¹ On June 30, 2017, Plaintiff filed a stipulation of dismissal with prejudice against Defendant Allied Property & Casualty Insurance Company (Dkt. # 20, 21); that party was dismissed from the case.